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**FILING FEE WAIVED**

23 February 2007  
by express



Hon. Vernon Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

218703

Re: YILA -- Abandonment Exemption --  
Yakima County, WA, AB 600 (Sub-no. 1X)  
for filing: Motion for Extension of NITU

fee exempt per regulation

action requested by March 31, 2007


Dear Mr. Williams:

Enclosed please find Yakima County's motion for extension of the NITU which became effective on service of the Board's decision issued on April 5, 2006, in this proceeding. The NITU period was extended through March 31, 2007, by order served September 21, 2006. Yakima County requests action on this motion prior to March 31, 2007.

While there is ordinarily a filing fee charged for NITU extensions, 49 C.F.R. § 1002.2(f)(1) states that filing fees "are waived for an application or other proceeding which is filed by ... a state or local government entity." Yakima County is a local government entity. Yakima County has already filed a fee exempt "statement of willingness" in this proceeding, as well as one prior fee exempt extension request. By precedent and the applicable regulation, the enclosed motion for an extension is also fee exempt.

As indicated in the motion, YILA consents to the extension.

Thank you for your assistance in this matter.

Very truly,  
  
Charles Montange  
for Yakima County

Encls.

cc. Counsel (per certificate of service) (w/encl.)

ENTERED  
Office of Proceedings  
FEB 26 2007  
Part of  
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

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Yakima Interurban Lines Association,      )
-- Abandonment Exemption -- in           ) AB 600 (sub-no. 1X)
-- Yakima County, WA                      )

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Motion to Extend the  
NITU Negotiation Period

Yakima County, with the consent of Yakima Interurban Lines Association (YILA), hereby moves for a 180 day extension in the negotiation period provided under the Notice of Interim Trail Use (NITU) issued in this proceeding. Per this Board's decision in this proceeding served April 5, 2006, the NITU originally was scheduled to expire on October 2, 2006, but the negotiation period was extended until March 31 by order served September 21, 2006. This is therefore the second extension sought.

This Board barred YILA from alienating any sites or structures which might be covered by section 106 of the National Historic Preservation Act prior to compliance with that statute. Decision served Feb. 17, 2006, paragraph 6(f). Because YILA is without sufficient assets, Yakima County (which desires to acquire the line for interim trail and railbanking purposes) arranged for section 106 compliance through consultants (from Eastern Washington University) employed by the County when section 106 must be addressed in County projects. The consultants have submitted their report to the Washington State Historic Preservation Officer (SHPO). However, the Board has not yet removed the condition barring alienation. The County cannot acquire the property until the condition is

removed. While the County believes the condition should be removed, and believes further that it may be removed at any time, the County does not know when the condition will be removed. The County therefore requests an additional 180 days negotiation time in order to work on removal of the condition.

The County believes that its acquisition of the property is consistent with preserving the historic features on the railroad corridor, and is essentially the only means to do so. While we anticipate removal of the condition at any time, prudence requires that an extension in the negotiation period now be granted in order to ensure that there is no lapse in this Board's jurisdiction pending transfer of the property.

As an additional basis for extension, the County states that it is continuing its efforts to achieve arrangements with lienholders to settle their remaining claims against YILA assets. Some additional time will serve to facilitate entry into a railbanking agreement by YILA and the County.

In sum, Yakima County and YILA continue diligently to pursue completion of the various steps which must be taken before a railbanking agreement may be finalized and the property transferred by YILA to the County for interim trail use and railbanking pursuant to 16 U.S.C. § 1247(d). Yakima County, with the consent of YILA, accordingly moves for an extension of the applicable NITU for 180 days.

Because Kershaw Sunnyside Ranches<sup>1</sup> apparently takes the position, or endeavors to create conditions that would allow it to take the position, that the railroad line is abandoned, the County joined by YILA requests that this Board act on this extension request prior to March 31, 2007 in order to ensure that there are no challenges to the Board's jurisdiction.

Respectfully submitted,



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Counsel for Yakima County and  
Yakima Interurban Lines  
Association

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<sup>1</sup> Kershaw Sunnyside has contested this Board's jurisdiction in this proceeding, and has unsuccessfully sought an adverse abandonment determination for the portion of the right of way traversing Kershaw property.

Certificate of Service

By my signature below, I certify service on February 23, 2007, by U.S. Mail, postage pre-paid first class, of the foregoing upon the following counsel of record:

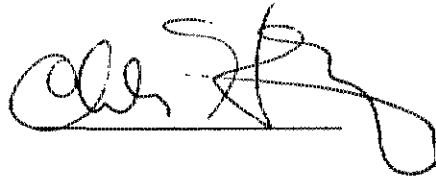
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Kevan Montoya, Esq. (KSR)  
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A handwritten signature in dark ink, appearing to read 'Kevan Montoya', written over a horizontal line.